IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 8TH OCTOBER 2007 / 16TH ASWINA 1929

Bail Appl..No. 5842 of 2007()

CRIME NO. 69/07 OF THANNITHODE POLICE STATION

PETITIONER/ACCUSED

VINODKUMAR, P.C.NO.192,
THANNITHODE POLICE STATION.

BY ADV. SRI.V.SETHUNATH

RESPONDENTS: COMPLAINANT AND STATE

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1. S.I. OF POLICE, THANNITHODE POLICE STATION.

2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 5842 of 2007

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Dated this the 8th day of October, 2007

O R D E R

Application for anticipatory bail. The petitioner, a public official, had allegedly misappropriated an amount of Rs.1500/- which was entrusted to him in connection with his official duty. Crime has been registered. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that there was actually no case of misappropriation stricto senso, it was only a case of belated remittance. The amount of Rs.1500/- which must have been paid on 16.5.07 was remitted only on 14.8.2007. In these circumstances a lenient view may be taken and the petitioner may be spared of the undeserved trauma of arrest and detention, submits the counsel.

3. The learned Prosecutor does not oppose the application. Subject to appropriate conditions, anticipatory bail can be granted to the petitioner, I am satisfied.

4. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioner shall surrender before the learned Magistrate on 15.10.2007 at 11 a.m. The learned Magistrate shall release the petitioner on regular bail on condition that he executes a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 16.10.07, and 17.10.2007 and thereafter as and when directed by the Investigating Officer in writing to do so.

(c) If the petitioner does not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 15.10.07 and the police shall be at liberty thereafter to arrest the petitioner and deal with him in accordance with law.

(d) If the petitioner were arrested prior to his surrender on 15.10.2007 as directed in clause (1) above, he shall be released on bail on his executing

a bond for Rs.25,000/- without any surety undertaking to appear before the learned Magistrate on 15.10.2007.

(R. BASANT)
Judge

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